

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action of August 6, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-8 are pending in the Application.

The Applicants want to thank the Examiner for the indication that the drawings submitted on April 8, 2008 are accepted.

In the Final Office Action, claims 1-6 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Publication No. 2001/0026518 to Shishido ("Shishido") in view of U.S. Patent No. 5,802,028 to Igarashi ("Igarashi"). Claim 7 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Publication No. 2003/0068159 to Haan ("Haan") in view of Shishido ("Shishido") and Igarashi. These rejections are respectfully traversed. It is respectfully submitted that claims 1-8 are allowable over Shishido in view of Igarashi alone, and in view of Haan for at least the following reasons.

The Final Office Action seems to take a position that since Shishido shows dedicated areas for storing information related to a recording and since Shishido teaches that its system is applicable

to both CD-R and CD-RW disks, that Shishido therefore shows "the predefined fixed location is a different location than the temporary location" as recited in the claims (see, Final Office Action, page 3, lines 11-13). It is respectfully submitted that Shishido's teaching that its system may be applied to two different disk types, namely CD-R and CD-RW disks, is completely irrelevant to the claims of the present patent application.

For example, claim 1 as provided recites in pertinent part a (emphasis added) "device for recording data and data structures on a write-once storage medium, the data structures comprising space bit map and defect management structures, the device comprising ... controlling means are adapted to record the data structures at a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by recording the data structures at a predefined fixed location as defined for a rewritable storage medium, wherein the predefined fixed location is a different location than the predefined temporary location." Accordingly, claim 1 pertains to a device for recording data structures at a predefined temporary location on a disk and to finalize the (same) disk by recording the data structures at a predefined fixed location.

As is clear, whether or not Shishido may be applied to different disk to write data in different predefined locations as determined by different disk types is immaterial to the claims provided by the present patent application.

Accordingly, it is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Shishido in view of Igarashi. For example, Shishido in view of Igarashi does not disclose or suggest, a device that amongst other patentable elements, comprises a (illustrative emphasis added) "device for recording data and data structures on a write-once storage medium, the data structures comprising space bit map and defect management structures, the device comprising ... the controlling means are adapted to record the data structures at a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by recording the data structures at a predefined fixed location as defined for a rewritable storage medium, wherein the predefined fixed location is a different location than the predefined temporary location" as recited in claim 1, and as similarly recited in each of claims 4 and 7. Igarashi and Haan are introduced for allegedly showing other elements of the claims and as such, do

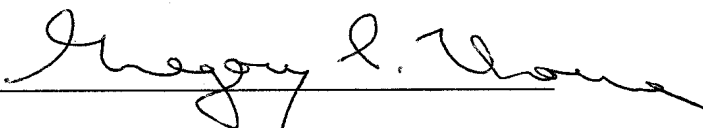
nothing to cure the deficiencies in Shishido.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 4 and 7 are patentable over Shishido in view of Igarashi alone, and in view of Haan and notice to this effect is earnestly solicited. Claims 2-3, 5-6 and 8 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By. 

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